

ORDINANCE NO. 891

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA AMENDING SECTION 17.04.010, DEFINITIONS, AMENDING SECTION 17.32.065, ADDITIONAL ACTIVITIES REQUIRING DESIGN REVIEW, AND ADDING CHAPTER 17.44, CARGO CONTAINERS, TO THE SONORA MUNICIPAL CODE.

WHEREAS, due to rising popularity of cargo containers used on private property, the City of Sonora should strategically implement into the municipal code standards and requirements regarding such; and

WHEREAS, the existing cargo container regulations in Section 17.32.065, Additional Activities Requiring Design Review, are lacking, ambiguous, and difficult to implement; and

WHEREAS, the purpose of the proposed ordinance amendments, including the addition of Chapter 17.44, Cargo Containers, is to establish procedures for regulating cargo containers including design, location, safety, and construction standards; and

WHEREAS, the proposed new Chapter 17.44 clearly outlines the standards for cargo containers, making it easier for both property owners in the City and staff to interpret and process applications for cargo containers; and

WHEREAS, the proposed new Chapter 17.44 provides standards to safeguard life, health, property, and public welfare in keeping with the character of the City and its historic area.

**NOW, THEREFORE, THE CITY OF SONORA CITY COUNCIL DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENTS TO TITLE 17, ZONING.

- 1. Section 17.04.010, Definitions, of Title 17, Zoning, of the Sonora Municipal Code shall be amended to include the following text in alphabetical order:**

“Cargo container” means a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The term “cargo container” shall not include a storage shed that is assembled at the site or a trailer with wheels used in the transport of freight. This term shall only apply to those containers that are accessory to the primary use of the property for the storage of directly related nonflammable, noncombustible, nonhazardous materials, and supplies. This definition means also terms

including “shipping container”, “c-train”, “conex box”, and similar verbiage for means of implementation.

2. **Section 17.32.065(B), Additional Activities Requiring Design Review, of Title 17, Zoning, of the Sonora Municipal Code shall be amended as follows (a deletion of text is shown as a strike through):**

B. The placement of nonresidential manufactured or modular buildings, ~~storage or cargo containers.~~

3. **Section 17.44, Cargo Containers, of Title 17, Zoning, of the Sonora Municipal Code shall be added to the Sonora Municipal Code as follows:**

Chapter 17.44 Cargo Containers

17.44.010 Purpose

The purpose of this section is to allow cargo containers, as defined in this Title, to be placed on private property in a manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood, will achieve community architectural and design standards, and will not become a nuisance to the community.

17.44.020 Temporary Use

Temporary use of cargo containers shall be allowed as follows:

- A. No cargo container permit shall be required when the cargo container is used during construction and a valid building permit is active for the property; provided, that use and placement is approved by the Building Official and Fire Department.
- B. No cargo container permit shall be required to place a cargo container on private property for a period of ten (10) days or less; provided, that all applicable conditions of approval listed in section 17.44.080 of this chapter are met. For residential uses only, such temporary cargo containers are not required to be screened and may be placed in the front yard on a paved driveway so long as the cargo container does not encroach into the landscaped area, onto sidewalks, or into public rights-of-way, and there is sufficient room to open the garage door to allow access and egress in case of emergency.
- C. A temporary use of land permit shall be obtained from the Community Development Department for a period of greater than ten (10) days but no more than three (3) months each year; provided, that all of the conditions of approval applicable in section 17.44.080 of this chapter are met, with the exception that cargo containers screened from public view from the public right-of-way or an adjacent property shall not be required to meet the design requirements of section 17.44.080(K) of this chapter. The complete application shall be provided with a fee in the amount of \$100.

- D. The cargo container must be removed immediately upon completion of the temporary term or upon expiration or finalization of the building permit.

17.44.030 Exceptions

City-owned property and City Uses. For city-owned property and city uses (regardless of the underlying zoning district), one or more cargo containers for storage use may be permitted with approval of the Community Development Director. The number of cargo containers allowed and the time period for which a cargo container may be used under this subsection shall be established by the Community Development Director.

17.44.040 Extended and Permanent Use of Cargo Containers

A use permit shall be required prior to placing a cargo container on any private property for more than three (3) months. The approval shall be specific to a location and shall not be transferable to other locations or property. An application for a use permit shall be submitted for approval of a cargo container not less than sixty (60) days before the use is intended to begin. The application shall be on a form prescribed for that purpose by the Community Development Department and shall include the written consent of the owner of the property on which the use is to be located.

17.44.050 Public Right-of-Way Restriction

No cargo container may be placed in the public right-of-way unless an encroachment permit is approved and issued by the Community Development Department.

17.44.060 Cargo Container Use Permit Application Review and Approval

All procedures for processing cargo container use permit applications shall be in accordance with those outlined in Sonora Municipal Code 17.62, Use Permit and Variance Procedure.

- A. Once the use permit application has been accepted as complete, the Community Development Director or designee shall refer the use permit application to City Departments and any other agencies deemed appropriate by the Community Development Director for comment.
- B. In considering application for a use permit pursuant to this section, the Planning Commission shall approve the permit only if the following findings are made and subject to the limitations and conditions of this section:
 - 1. The proposal is consistent with the General Plan, the zoning ordinance, the design guidelines, and any other applicable plans or standards applicable to the property; and
 - 2. The proposal meets all applicable design standards and provisions of this section; and
 - 3. The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining properties; and
 - 4. That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, walls, fences, parking, loading, landscaping, and other features required by the Sonora Municipal Code or the Planning

Commission to make sure such use is compatible with the land and uses in the vicinity; and

5. Any structural element contained within the proposal is of high-quality design consistent with the intent of the Sonora General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate; and
6. The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community.

17.44.070 Fee

A fee shall be paid by the applicant according to the fee schedule set by the City Council for use permit applications.

17.44.080 Conditions of Approval

In authorizing any use permit for a cargo container, the Community Development Director shall include as conditions of approval the following minimum provisions:

- A. **Accessory use.** A cargo container may be erected on a property when the use thereof is clearly incidental and secondary to the primary use of the property: For purposes of this section, a cargo container shall not be issued for a property where there is no approved primary use. The primary use of the property shall dictate which development standards are applicable to placement of the cargo container.
- B. **Height.** Cargo container(s) shall not be stacked and shall not be greater than ten (10') feet in height including the foundation system, as measured from the property grade.
- C. **Setbacks.** Cargo container(s) shall meet all applicable side and rear setback requirements. Cargo container(s) shall not be permitted in any front yard setback or areas adjacent to front yard setbacks visible to the public.
- D. **Location.** The proposed location shall not interfere with other uses, pedestrian/vehicular visibility, required parking, landscaping, or circulation on the property, or create any other safety problem. The cargo container(s) shall not be placed in a “fire lane” or other fire access lanes. The cargo container(s) must be accessible by a paved drive aisle. Cargo containers are not allowed to be placed permanently within the historic area as defined in Sonora Municipal Code Section 17.32.030(B).
- E. **Contents.** Cargo containers permitted pursuant to this Chapter are for permitted for storage purposes only. Human occupancy is prohibited. No hazardous materials and combustible or flammable liquids may be stored in the container.
- F. **Screening.** Cargo container(s) shall be screened from view from the public right-of-way and from view of adjacent residential uses or districts using methods such as, but not limited to, line of sight behind buildings or walls with landscaping and construction of walls with vines.

- G. **Number and size.** The number shall be limited to one (1) container per property, no greater than forty (40') in length. Lot coverage cannot exceed the allowed amount for the specific zone district.
- H. **Signs.** No advertising or directional signs shall be mounted, painted, or displayed on the container except that temporary containers may display the rental or leasing company name and/or logo permanently affixed or painted on the container.
- I. **Building permit.** A building permit shall be required for all permanent cargo containers. Doors shall be modified to allow persons to freely exit the cargo container.
- J. **Foundation system.** All permanent cargo containers must be structurally secured to a foundation system approved by the Building Official.
- K. **Design.** All applicable development standards and design guidelines for the zoning district shall apply. Permanent cargo containers must be painted to match the primary building to achieve architectural compatibility.

17.44.090 Amortization

All cargo containers existing in the city as of the effective date of the ordinance codified in this section shall conform to the following:

- A. Cargo containers for which prior approval was granted by the city or another agency with jurisdiction over the permit issuance shall be allowed to remain, subject to continued compliance with their original conditions of approval, if any.
- B. Cargo containers that have been installed without prior approval of the city shall be removed within ninety (90) days of the effective date of this ordinance or shall be brought into conformance with the requirements of this chapter.

SECTION 2. SEVERABILITY. If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. PUBLICATION AND EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced at a regular meeting of the City Council held on the 1st of May, 2023 and 15th of May, 2023, and passed and adopted as Ordinance No. 891 at a regular meeting of the City Council held on the 5th of June, 2023 by the following vote:

AYES: _____

NOES: _____

ABSENT OR ABSTAIN: _____

Mark Plummer, Mayor

ATTEST: _____
Tracy Skelly, Deputy City Clerk

Approved as to Form:

Douglas L. White, City Attorney

Publish: The Union Democrat, Sonora
_____, 2023